

FILED 08 SEP 26 10:17 USDC-ORH

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

DARREN WAYNE QUIMBY,

Civil No. 07-3037-CL

Plaintiff,

v.

DUTCH MINING L.L.C.,

**ORDER**

Defendant.

**PANNER, Judge.**

Magistrate Judge Mark D. Clarke has filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Both parties have filed objections. I have reviewed the Magistrate Judge's Report and Recommendation de novo. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). I conclude that the Report and Recommendation is correct.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#66) is adopted. Defendant's motion for partial summary judgment (#36) is denied. Plaintiff's motion for partial summary judgment (#54) is granted.

IT IS SO ORDERED.

DATED this 25 day of September, 2008.



OWEN M. PANNER  
United States District Judge